

**EXECUTIVE SUMMARY  
OF SPECIAL REPORT**

**SUBMITTED TO  
THE HONORABLE JACK MARKELL  
GOVERNOR, STATE OF DELAWARE**

**MAY 10, 2010**

**INDEPENDENT REVIEW OF THE EARL BRIAN BRADLEY CASE**

**BY**

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## EXECUTIVE SUMMARY

On December 15, 2009, pediatrician Dr. Earl Brian Bradley of Lewes, Delaware was arrested by the Delaware State Police and subsequently indicted on hundreds of charges alleging that he had sexually assaulted children in his care. As a result of Dr. Bradley's arrest, Governor Jack Markell issued Executive Order No. 16 naming Linda L. Ammons, Esq., Associate Provost and Dean of The Widener University School of Law to conduct an independent review of the State's policies and statutory and administrative procedures governing child sexual abuse and exploitation. Dean Ammons was also tasked with making recommendations that would foster a child protection community of collaboration and accountability to better protect Delaware's children from predators.

In order to establish an appropriate factual context from which Dean Ammons could make her recommendations, the Dean interviewed Dr. Bradley's former colleagues, former employees, alleged victims' parents, members of the Delaware Medical Society, professional regulators in Delaware and Pennsylvania, and government and non-profit agencies in Delaware tasked with child protection, and appropriate records were sought from these individuals and entities. With the benefit of this factual context, Dean Ammons consulted with advocates in the child protection community, recognized experts in the field of child protection and criminal justice, and medical experts outside of Delaware. In total, Dean Ammons logged hundreds of hours – all culminating with this Final Report.

The purpose of this report was not to assess liability or culpability, but rather to establish a sufficient context from which to make meaningful and thoughtful recommendations that would improve the future handling of child abuse and sexual exploitation cases. Based on this review, it is clear that since at least 1994, some allegations of sexual abuse and/or physician misconduct by Dr. Bradley have been known to state agencies, law enforcement, regulatory bodies, hospitals and/or licensed medical professionals. In some instances, provisions of current law and policies designed to trigger the appropriate legal or regulatory remedies were in place, but those provisions were not followed to the letter of the law. In other instances, human and mechanical error allegedly prevented the appropriate actions from being taken. Finally, there were several missed opportunities to communicate and/or share vital information that in

combination could have lead to the successful prosecution of Dr. Bradley, or at the very least, lead to the loss of his license to practice medicine.

While the facts contained in the “Factual Background” section of this report are much more detailed, there are three separate instances that particularly highlight the need for changes to Delaware’s current administrative handling of child sexual assault cases.

### 1996

The first known complaint against Dr. Bradley in Delaware occurred in 1996, when Joan Davis, a nurse who worked with Bradley at Beebe, complained to her supervisor about what she thought were too many catheterizations of female patients for urine samples by Bradley in his annexed office next to the hospital. Davis’ allegations regarding Bradley also included allegations of excessive kissing of patients, inappropriate remarks about females, and that Bradley was taking pictures of patients’ without out their parents consent or knowledge and putting them on his computer. The hospital did conduct an internal investigation and after consulting with three independent doctors, deemed that the catheterizations were medically appropriate and closed the investigation. Relying on Delaware’s peer review statute, the procedures of their accreditation standards, federal statutes, and the fact that other experts in the field had cleared Bradley’s actions as accepted medical practice, Beebe Hospital did not report Davis’ allegations to law enforcement or the Board of Medical Practice. It does not appear that Beebe’s internal investigation addressed Davis’ other allegations.

Without opining on whether Beebe Hospital had a duty to report such allegations to the Board of Medical Practice, or conversely, whether Beebe Hospital had an obligation not to report such allegations, it is reasonable to conclude that if the Davis allegations were made known to law enforcement in 2005, it could have altered prosecutorial decisions such as whether to arrest, indict, or even seek a search warrant. Instead, it does not appear that the records of Beebe’s investigation in 1996 were ever given to law enforcement until after Dr. Bradley was arrested, even after Bradley’s records were subpoenaed by the Attorney General’s Office in 2005. As a result, Dean Ammons recommends that current Delaware law be amended so that the Board of Medical Practices and other peer review groups’ records are not held strictly confidential, but may be available under certain circumstances, including via subpoena by law enforcement.

## 2004

In October 2004, Dr. Bradley's adopted sister, Lynda Barnes, sent a letter to the Delaware Medical Society alleging that Dr. Bradley was self-medicating, writing prescriptions in the name of a relative for himself, that he physically and emotionally abused his son, that he had abused a stepchild in another state, and she mentioned complaints from parents concerning improper touching of their children. Several of the above allegations were supposedly not contained in the version of Barnes' letter that was received by the Medical Society. The history and supposed rationale for the separate versions of this letter are detailed in this report.

Regardless if the Medical Society was aware of the allegations of improper touching, the letter appeared to provide enough allegations to at least put into doubt Bradley's fitness to practice medicine. Therefore, the Medical Society should have filed a formal complaint with the Board of Medical Practice, even if all it did was forward the Barnes letter. In order to better ensure that mandatory reporters fulfill their duty to report, the General Assembly should couple reporters' immunity in the statute with stiffer penalties for failing to report. In addition, all licensees of the Board of Medical Practice should receive mandatory training regarding their duty to report.

## 2005

In March 2005, the Milford Police Department initiated an investigation of Dr. Bradley after a three-year old patient stated that Dr. Bradley had "kissed her tongue". As part of the investigation, the Milford Police Department identified three additional victims and five witnesses who alleged Dr. Bradley was performing improper examinations and /or exhibited unusual behavior. One of the witnesses Milford Police interviewed was Lynda Barnes, who provided police with the letter she had faxed to the Delaware Medical Society in October 2004.

On May 23, 2005, after Milford Police presented the findings of their investigation to the Attorney General's Office, who decided not to prosecute Bradley based on the evidence that they had at the time, the Milford Police Department investigation was closed. Without opining on the propriety of the decision not to prosecute, and regardless of the criminality of Bradley's alleged

conduct, the Attorney General's Office should have reported the findings of their investigation to the Board of Medical Practice. Besides allegations of sexual abuse, Barnes and others told Milford investigators that Bradley was self-medicating, that his office was in disarray, and that he had abused his own children. Such allegations seemingly put into question Bradley's fitness to practice medicine, and therefore such allegations should have been reported to the Board of Medical Practice. While there appears to be a factual dispute regarding who assumed the responsibility for reporting the results of the Milford Police Department investigation to the Board of Medical practice, the bottom line is that the Board never received a written complaint regarding Bradley, which the law required. Accordingly, it is Dean Ammons' recommendation that the General Assembly clarify whether law enforcement are exempted from the duty to report allegations against medical professionals to the Board of Medical Practice during the course of a criminal investigation. In addition, all complaints to the Board, whether they are written or oral should be documented and investigated by the Board.

While the above is representative of this report's findings (pp. 25-36 of the full report) and recommendations (pp. 37-45), in total, this report makes over 70 recommendations. These recommendations are designed to be a starting point, and the Governor and General Assembly should consult with particular individuals in the child protection community to ensure that each recommendation which is adopted is designed and implemented appropriately.

In conclusion, Dean Ammons very much appreciates the significant cooperation she received from Mr. Mark Ammons, Professors John Culhane, James Diehm, Jules Epstein, and Dana Harrington Conner, Montgomery County District Attorney Risa Vetri Ferman, The Honorable Leslie Hayashi, The Honorable Lee Solomon, Dr. Sharon Cooper, Dr. Taryn Holman-Taylor, Division Chief Patrick McGrath, Executive Director of the National Children's Advocacy Center Chris Newlin, Research Assistants Michael Follett and Christopher King, Mr. Rick O'Hanlon, Janine Howard O'Rangers, Esq., Ms. Donna M. Pence, Ms. Tina Ventresca, Executive Director Rady Children's Hospital Charles Wilson, Ms. Paula D. Garrison and Mrs. Linda R. Triolo.

Biography  
Linda L. Ammons, Esq.  
Associate Provost and Dean  
Widener University School of Law

Dean Ammons is the first woman and the first African American to lead Widener University School of Law, and one of only six African American females in the nation serving as dean of a law school. Dean Ammons came to Widener in 2006 from Cleveland-Marshall College of Law in Cleveland, Ohio, where she was associate dean and professor of law. During her 15 years at Cleveland-Marshall, she chaired and served on a number of university committees and taught Administrative Law, Legislation, Mass Communications Law, and Women and the Law. In 2006, the Cleveland-Marshall Alumni Association chose her as their Stapleton Award recipient. In addition, Dean Ammons has been on the faculty of the National Judicial College in Reno, Nevada, since 1993. She is serving as the Chair of the Curriculum Committee of the American Bar Association's Section of Legal Education & Admissions to the Bar and is serving a three-year term on the Government Relations Committee of the Association of American Law Schools. She is also a member of the Advisory Boards of the Women Deans' Databank and the Minority Deans' Databank.

In January 2010, Dean Ammons was appointed by Governor Jack Markell of Delaware to be the special investigator in the case of the alleged child molestations by pediatrician Earl Bradley. In August 2009, she was named among the 14 Most Influential People in Delaware by "Delaware Today" magazine. In May 2009, she was named a Fellow of the American Bar Foundation. In 2008, Dean Ammons was named to and currently serves on the Board of Directors of the Delaware State Chamber of Commerce. She was honored by the American Council on Education, Office of Women in Higher Education, with the Delaware Leadership Award. In 2007, she was named a Senior Scholar in the Department of Health Policy at Jefferson Medical College in Philadelphia, PA. Also in 2007, Dean Ammons was appointed by Pennsylvania State Treasurer Robin Weissmann to the e-Treasury Blue Ribbon Advisory Commission on Productivity Management. At that time, she was named and continues to serve as a Trustee of the Christiana Care Health System of Wilmington, Delaware.

Prior to joining the faculty at Cleveland-Marshall, Dean Ammons served as executive assistant to former Ohio Governor Richard F. Celeste, from 1988 to 1991, advising him on legal and policy matters in the criminal justice, regulatory and administrative areas. She was a TV anchor-person in Huntsville, Alabama, and worked for several media outlets in Columbus, Ohio.

An Ohio State University Moritz College of Law alumna, she was selected out of 8,000 of her peers to be the recipient of the 2004-05 Moritz Alumni Society's Community Service Award. She also serves on the Moritz National Advisory Council.